DEVIN DERHAM-BURK #104353 1 **CHAPTER 13 STANDING TRUSTEE** P O Box 50013 2 San Jose, CA 95150-0013 3 Telephone: (408) 354-4413 Facsimile: (408) 354-5513 4 Trustee for Debtor(s) 5 6 7 UNITED STATES BANKRUPTCY COURT 8 NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5 9 10 In re: Chapter 13 ALDEN, WILLIAM DANIEL 11 Case No. 11-56556 SLJ 12 First Amended TRUSTEE'S OBJECTION TO ALDEN, LISA MARIE 13 CONFIRMATION WITH CERTIFICATE OF SERVICE 14 Continued 341 Meeting Date and Time: October 15 24, 2011 @ 11:30 a.m. Confirmation Date: N/A – Trustee's Pending List 16 Judge: Stephen L. Johnson Debtor(s) 17 18 Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 0% Plan for 19 the following reasons: 20 1. The Trustee is unable to determine whether the proposed term meets the requirements of 21 11 U.S.C. §1322(d). Section 1 of the Plan indicates that the debtors' plan payments are 22 \$50 for months one through six, then \$300 for months seven through 12, then \$1,000 for 23 months 13 through 50, then \$1,500 for months 49 through 60. Pursuant to Section 2(d) 24 of the Plan, the term is estimated, and therefore, an Amended Plan must be filed to delete 25 reference to the specific number of months the debtors will make plan payments of 26 \$1,500.

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- 2. The Trustee questions the feasibility of the Plan pursuant to 11 U.S.C. §1325(a)(6), as there is a deficit in the debtors' budget of \$79 per month, after they make their plan payments. NOTE: The debtors have omitted their homeowners' association dues from Schedule J.
- 3. The debtor has failed to appear and/or submit to examination under oath at the meeting of creditors under 11 U.S.C. §341(a). Without conducting this examination, the Trustee is unable to adequately investigate the debtor's financial affairs as she is required to do pursuant to 11 U.S.C. §1302(b)(1) (incorporating 11 U.S.C. §704(a)(4)). In addition, until the debtor is examined by the Trustee, she is unable to recommend confirmation of the debtor's plan. The Trustee requests that the debtor appear at a rescheduled meeting of creditors.
- 4. The debtor has failed to provide the Trustee with either or both 1) a government-issued photo identification, or 2) proof of a social security number. *See* 11 U.S.C. §521(h). Without being able to establish the identity of the debtor, the Trustee is unable to adequately investigate the financial affairs of the debtor or recommend confirmation. The Trustee requests that the debtor provide her with verification of both identity and social security number.

Dated: October 7, 2011 /S/ Devin Derham-Burk

Chapter 13 Trustee

CERTIFICATE OF SERVICE BY MAIL

address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the

within Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at

I declare that I am over the age of 18 years, not a party to the within case; my business

Los Gatos, California on October 7, 2011.

William Daniel Alden

Lisa Marie Alden

958 Sunbonnet Lp

San Jose, CA 95125

Said envelopes were addressed as follows:

Anita Steburg

Steburg Law Firm 1798 Technology Dr #258 San Jose, CA 95110

/S/ Karen B. Huston Office of Devin Derham-Burk, Trustee